

Docket No. 02-0852  
ICC Staff Ex. 2.0

*Amended*  
OFFICIAL FILE  
ICC DOCKET NO. 02-0852  
VERIFIED STATEMENT *Staff* Exhibit No. 2.0  
OF *Agnew*  
JIM AGNEW *2/3/03* *CK*

CONSUMER SERVICES DIVISION  
ILLINOIS COMMERCE COMMISSION

TALK AMERICA, INC.

DOCKET NO. 02-0852

FEBRUARY 4, 2003

1 **Q. Please state your name and business address.**

2 A. My name is Jim Agnew and my business address is 527 East Capitol Avenue,  
3 Springfield, Illinois 62701.

4

5 **Q. What is your occupation?**

6

7 A. I am employed in the Consumer Services Division ("CSD") of the Illinois Commerce  
8 Commission ("ICC or Commission") as a Consumer Counselor III.

9

10 **Q. Please describe your education and occupational experience.**

11 A. In 1992, I earned a Bachelor of Arts degree in Rhetoric from the University of Illinois  
12 at Urbana-Champaign. Prior to my employment with the Commission, I served as a  
13 State Services Representative with the Illinois Governor's Office of Citizens  
14 Assistance for 3 years. There, my duties included working as a liaison between the  
15 Illinois Governor's Office and Staff of the Commission to address citizen inquiries  
16 about regulated utilities. I began my employment with the Commission in February  
17 1996, and I have worked within CSD the entire time as a Consumer Counselor.

18

19 **Q. What are your present responsibilities in the Consumer Services Division?**

20 A. My responsibilities in CSD include administrating the informal complaint process in  
21 order to investigate and resolve disputes between regulated utilities and  
22 consumers. Specifically, I receive consumer complaints and inquiries in person, by  
23 phone, fax, e-mail and traditional mail. Upon receipt of such complaints, I submit  
24 informal complaints to utilities, receive utility replies to the complaints and then

25 review the utility responses with the consumers who made the complaints. My  
26 duties also include assisting CSD Program Staff by reviewing the Division's overall  
27 complaints regarding telecommunications topics, including unauthorized changes in  
28 subscribers' preferred telecommunications carriers (slamming) and unauthorized  
29 telecommunications billing (cramming). I have presented testimony before  
30 members of the Illinois General Assembly on telecommunications topics, and  
31 participated in workshops for the drafting of new language for Illinois' slamming and  
32 cramming statutes in 2001.

33  
34 **Q. Are you the same Jim Agnew who provided testimony in the previous**  
35 **application case for Talk America, Inc. in ICC Docket 00-0732?**

36 **A. Yes.**  
37

38 **Q. What is the purpose of this verified statement?**

39 **A.** This statement serves to describe the reasons for CSD Staff's change in stance  
40 from one of opposing Talk America, Inc.'s ("Talk America's" or the "Company")  
41 previous application (ICC Docket 00-0732) to one of neutrality in Talk America's  
42 current application (ICC Docket 02-0852). In addition, my verified statement  
43 offers Staff's proposed conditions for Talk America's certification.  
44

45 **Q. Please indicate your opinion regarding Talk America's application for a**  
46 **certificate of facilities-based local exchange service authority and resold**  
47 **local exchange and Interexchange telecommunications services in Illinois?**

48 A. I do not oppose the Company's application.

49

50 **Q. Has your opinion on this matter changed from Talk America's previous**  
51 **application in ICC Docket 00-0732?**

52 A. Yes. Talk America's previous application was opposed by CSD Staff due to: (1)  
53 the content of the previous application; (2) pending actions against Talk America  
54 in other states; (3) its complaint history in Illinois; and (4) its responses to Staff's  
55 data requests.

56

57 **Q. Why has your opinion changed from opposition to one of neutrality?**

58 A. From my review of CSD's complaint records, Talk America's number of  
59 complaints in Illinois has declined since the completion of Docket No. 00-0732.  
60 In addition, the CSD complaint records indicate to me that specific concerns I  
61 raised in the previous application docket regarding the Company's treatment of  
62 consumers do not appear to reflect current practices of Talk America.

63

64 **Q. Has your review of the current application by Talk America also led to your**  
65 **change in position?**

66 A. Yes. Prior to filing its current application, Talk America's Regulatory Affairs Staff  
67 provided CSD Staff with draft language for the application. Talk America was  
68 receptive to Staff's suggestions regarding the content of the application, and, in  
69 particular the procedures for changing customers, billing, customer service, and  
70 the handling of complaints. From my review, the current application contains

71 detailed consumer service, billing and complaint resolution procedures which, if  
72 followed, should not harm Illinois consumers.

73  
74 **Q. Given these positive changes, why have you chosen a position of neutrality**  
75 **rather than direct support of Talk America's application?**

76 A. Talk America appears to have taken serious steps to rectify the alleged troubles  
77 of its past. However, the previous complaint history of the Company should not  
78 be ignored, and indeed justifies imposing safeguards to ensure that past  
79 practices are not re-established. CSD Staff therefore requests the opportunity to  
80 more directly monitor the Company's entry into the Illinois local service market  
81 through the establishment of certain conditions upon its certification by the ICC.

82  
83 **Q. What conditions does CSD Staff request the ICC impose upon Talk**  
84 **America's Certificate of Service Authority to provide facilities-based local**  
85 **exchange service and resold local exchange and Interexchange**  
86 **telecommunications services, if granted?**

87 A. CSD Staff proposes the following conditions be set by the ICC if it decides to  
88 grant Talk America, Inc.'s application:

- 89  
90 1. Talk America will provide the Illinois Commerce Commission (ICC) with a  
91 report of all customer switching activities every 30 days. Each report shall  
92 include the number of customers switching to and from Talk America,

93 categorized according to which services (local, intra-LATA, inter-LATA) were  
94 switched.

95  
96 2. Talk America will be required to submit any ~~marketing materials and sales~~ *specific customer offerings used in*  
97 ~~scripts~~ *and direct mail sales solicitations* for use in Illinois to the ICC's Consumer Services Division (CSD) 60 *telemarketing*

98 days prior to the use of any such materials or scripts.

99  
100 3. Talk America will issue a report to CSD every 30 days detailing consumer  
101 complaints received by Talk America regarding its services in Illinois. Details  
102 shall include: (1) the number of complaints received; (2) the source of each  
103 complaint (e.g. direct consumer contact, CSD, Better Business Bureau or  
104 Illinois Attorney General); (3) the number of days taken by Talk America to  
105 resolve the complaint; and (4) the outcome of the complaint.

106 Imposition of these conditions will permit the ICC to monitor the Company to  
107 ensure that past practices are not re-established.

108  
109 **Q. How long does Staff propose that the Commission impose the above**  
110 **discussed conditions?**

111 A. Staff asserts that these conditions should be imposed for 12 months after the  
112 Company begins providing local exchange service in Illinois.

113  
114 **Q. Does this conclude your verified statement?**

115 A. Yes.

116

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

**TALK AMERICA INC.**

Application to Amend its Certificate :  
to Operate as a Facilities-Based Carrier of : Docket No. 02-0852  
Local and Long Distance Telecommunications :  
Services Statewide in the State of Illinois :

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COUNTY OF SANGAMON

SS:

STATE OF ILLINOIS

**AFFIDAVIT OF JAMES AGNEW**

I, James Agnew, being duly sworn or affirmed, testify and state as follows:

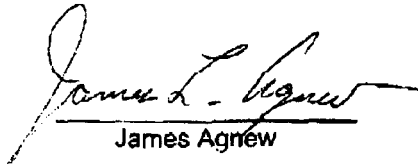
1. My name is James Agnew and my business address is 527 East Capitol Avenue, Springfield, Illinois 62701. I am employed by the Illinois Commerce Commission's Consumer Services Division as a Consumer Counselor III. I make this affidavit in support of the admission of the testimony I caused to be pre-filed in this docket on February 4, 2003, into the record of the captioned docket.

2. I have attached to this Affidavit as Staff Exhibit 2.00 a copy of the testimony that I caused to be pre-filed with the Clerk of the Commission on or about February 4, 2003. It consists of 5 pages of questions and answers that were prepared by me or under my direction and supervision.

3. If asked under oath or affirmation the questions posed in Exhibit 2.00, I would provide the answers reflected in Exhibit 2.00



Further affiant sayeth not.

  
James Agnew

Sworn or affirmed before me  
this 4<sup>th</sup> day of February, 2003.



Notary Public

My Commission expires: July 19, 2003

